

**IN THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT
OF TEXAS HOUSTON DIVISION**

COAST TO COAST TITLE, LLC, SOL
CITY TITLE, LLC, MAGNOLIA TITLE
ARKANSAS, LTD., MAGNOLIA TITLE
FLORIDA, LLC, THE PEABODY
BULLDOG LLC, AND JOHN MAGNESS
Plaintiffs

V.

TYRELL L. GARTH, PHILLIP H.
CLAYTON, DEBBIE MERRITT A/K/A
DEBORAH MERRITT, MATTHEW D.
HILL, CHARLES BURNS, P. GARRETT
CLAYTON, SCOTT M. REEVES,
ARIANE E. YOUNG, TINGLEMERRITT,
LLP, STARREX TITLE FLORIDA, LLC,
LAURIE COOPER, MARKETSTREET
CAPITAL PARTNERS AR, LLC AND
BRIAN A. BREWER
Defendants.

CIVIL ACTION NO.:4:24-cv-02767

**PLAINTIFF’S MOTION FOR LEAVE OF COURT TO LATE FILE THEIR RESPONSE
TO DEFENDANT LAURIE COOPER’S MOTION TO DISMISS**

Plaintiff, Coast to Coast Title, LLC, SOL City Title, LLC, Magnolia Title Arkansas, Ltd., Magnolia Title Florida, LLC, The Peabody Bulldog LLC and John Magness., (“Plaintiffs”) file its Motion for Leave of Court for Plaintiffs to Late File Their Response to Defendant Laurie Cooper’s Motion to Dismiss in accordance with the Texas Rules of Civil Procedure. Plaintiffs would respectfully show the Court as follows:

1. Plaintiffs respectfully seek leave of Court to late file their Response in Opposition to Laurie Cooper's Motion to Dismiss and enter into Court record the agreed upon extension of the deadline to Respond to Laurie Cooper's Motion to Dismiss to September 20, 2024.

2. The docket date to respond to Laurie Cooper's Motion to Dismiss was inadvertently not calendared given several events and filings that occurred very close in time to one another. This was not due to conscious indifference but was due only to accident or mistake. Upon realizing the mistake, Plaintiff's counsel immediately contacted Defendant's counsel requesting an extension for the deadline to file a Response to Motion to Dismiss Laurie Cooper. The Parties agreed to a new deadline of September 20, 2024. *See Exhibit A.* In particular, Ms. Cooper's counsel wrote "Laurie Cooper has permitted us to agree to extend the response deadline to September 20, 2024. You may indicate our agreement in a request for leave to late filing the response to our motion to dismiss." *Id.*

3. In accordance with Local Rule 7, Plaintiff's counsel notified the Case Manager of the Court via email. *See Exhibit B.* No e-service notification of "Docket Text" chronicling the response deadline extension was issued by the clerk to date. However, the Case Manager has chronicled the deadline extension of October 7, 2024, reached between Plaintiffs and Defendant Tingle Merrett as to Tingle Merrett's Motion to Dismiss.

4. In accordance with the extension discussed amongst the instant Parties, Plaintiff filed its Response to Laurie Cooper's Motion to Dismiss on September 20, 2024.

5. Plaintiff has followed Local Rule 7, Agreements to Extend Submission Dates for Motions. The parties agreed to extend the response submission date to September 20, 2024. Plaintiff's counsel immediately informed the Court's Case Manager by email of the agreement of the instant Parties to extend the deadline for Plaintiffs to respond to Laurie Cooper's Motion to

Dismiss. Plaintiff's counsel attempted to verify with the Case Manager via telephone and email on September 23, 2024 that the deadline was chronicled as the docket text was not received to verify if a Motion for Leave was necessary to file. Plaintiff's counsel not yet received a response to either message.

CONCLUSION AND PRAYER

Plaintiffs seek leave of Court to late file their response to Laurie Cooper's Motion and Order to Dismiss. Plaintiffs already filed their Response on September 20, 2024. Further, there is good cause shown and the instant Parties have agreed on the extension by which Plaintiffs abided.

WHEREFORE PREMISES CONSIDERED, for these reasons, Plaintiff asks the Court to grant Plaintiffs' Motion for Leave of Court to Late File Their Response to Defendant Laurie Cooper's Motion to Dismiss, and for any and all other relief to which they may be entitled, at law or under equity.

Respectfully submitted,

HENDERSHOT COWART P.C.

By: /s/ Philip D. Racusin

SIMON W. HENDERSHOT, III

SBN: 09417200

trey@hchlawyers.com

PHILIP D. RACUSIN

SBN: 24054267

pracusin@hchlawyers.com

1800 Bering Drive, Suite 600

Houston, Texas 77057

Telephone: (713) 783-3110

Facsimile: (713) 783-2809

***ATTORNEYS FOR PLAINTIFFS COAST TO COAST
TITLE, LLC, SOL CITY TITLE, LLC, MAGNOLIA
TITLE ARKANSAS, LTD., MAGNOLIA TITLE
FLORIDA, LLC, THE PEABODY BULLDOG LLC
AND JOHN MAGNESS***

CERTIFICATE OF CONFERENCE

I hereby certify that as evidenced by the attached **Exhibit A**, counsel for Laurie Cooper has agreed to the relief requested herein.

/s/ Philip D. Racusin
Philip D. Racusin

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2024, a copy of the foregoing document was served on all counsel of record via the Court's ECF system.

/s/ Philip D. Racusin
Philip D. Racusin